

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEPHEN CRAIG BURNETT,)
Plaintiff,)
v.) Case No. CIV-16-609-M
OKLAHOMA DEPARTMENT OF)
CORRECTIONS,)
Defendant.)

ORDER

On June 22, 2017, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action brought pursuant to the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). The Magistrate Judge recommended that defendant’s motion to dismiss be granted on the basis that plaintiff failed to exhaust his administrative remedies on his claim that DOC’s policy OP-030112 violates RLUIPA because the policy fails to include various religious items. Further, the Magistrate Judge recommended the Court should *sua sponte* find that plaintiff’s claim that OP-030112 violates RLUIPA because of the policy’s religious diet should be dismissed, because plaintiff lacks standing to seek prospective relief and this Court lacks subject-matter jurisdiction to hear plaintiff’s claim. The Magistrate Judge further recommended plaintiff’s claims be dismissed without prejudice. Plaintiff was advised of his right to file his objection on or before July 12, 2017. On July 10, 2017, plaintiff filed his objection.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 43] issued by the Magistrate Judge on June 22, 2017;
- (2) GRANTS Defendant’s Motion to Dismiss [docket no. 27] and DISMISSES plaintiff’s claims that DOC’s Policy OP-30112 violates RLUIPA without prejudice to refiling; and

(3) DENIES plaintiff's Motion for Leave to Conduct Discovery on Exhaustion of Administrative Remedies [docket no. 31], Motion for Temporary Restraining Order [docket no. 33], Motion to Compel Discovery [docket no. 34], and Motions to Expedite Rulings [docket nos. 40 & 42] as MOOT.

IT IS SO ORDERED this 13th day of September, 2017.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE